

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

TIFFANY DOBERSTEIN
on behalf of herself and all
others similarly situated,

Plaintiff,

Case No. 18-C-1931

v.

EAST WISCONSIN SAVINGS BANK,

Defendant.

**ORDER GRANTING PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT AND CERTIFYING CLASS
PURSUANT TO FED. R. CIV. P. 23**

WHEREAS, the Parties have made an application for an order preliminarily approving the settlement of this litigation as stated in the Parties' Settlement Agreement and Release ("Agreement") which, together with the exhibits attached thereto, sets forth the terms and conditions for a proposed settlement of the litigation and for dismissal of the litigation upon the terms and conditions set forth therein;

WHEREAS, the Court has read and considered the Agreement, the exhibits attached thereto, and the briefing submitted in support of preliminary approval of the settlement;

IT IS HEREBY ORDERED:

1. The Court hereby preliminarily approves the Agreement and the terms set forth therein as being fair, reasonable, and adequate. The Agreement is the result of arms' length negotiations between experienced attorneys who are familiar with class action litigation in general and with the legal and factual issues of this case in particular. The Court finds that the settlement

terms negotiated by the Parties and described in the Agreement are a fair and reasonable resolution of a *bona fide* dispute between the Defendant, the Named Plaintiff, and the Class Members.

2. The Court has considered the pleadings and arguments made by the parties in this litigation and in support of the Joint Motion for Preliminary Approval of Class Settlement and Collective Action Settlement and for Class Certification for the Purposes of Settlement and finds the proposed Settlement Class is proper and that the Court had jurisdiction over the claims and parties alleged in Plaintiff's Complaint.

3. Solely for the purposes of the proposed settlement, the following settlement class is hereby certified pursuant to Rule 23 of the Federal Rules of Civil Procedure:

All hourly-paid, non-exempt employees who are or have been employed by Defendant within three (3) years immediately prior to the filing of the Complaint (ECF No. 1) and who received non-discretionary forms of compensation in addition to regular wages that were not included in their regular rates of pay for overtime calculation purposes and whose names appear on Exhibit A (the "Rule 23 Class") to the confidential Settlement Agreement and Release.

4. Walcheske & Luzi, LLC ("Class Counsel") shall serve as class counsel for the certified FED. R. Civ. P. 23 Class.

5. Tiffany Doberstein shall serve as representative for the certified FED. R. Civ. P. 23 Class.

6. The Court approves, as to form and content, the Class Notice and Consent Form attached as Exhibit B to the Parties' Agreement and finds that distribution of such documents in the manner set forth in the Agreement meets the requirements of federal law and due process, and is the best notice practicable under the circumstances and shall constitute due and sufficient notice to all individuals entitled thereto.

7. The members of the Fed. R. Civ. P. 23 Class who desire to opt-out of this matter must do so within the Notice Period via the procedures identified on the Notice.

8. The Clerk's Office is directed to contact the parties to schedule the fairness hearing, which the court will conduct following the close of the Notice Period.

9. Class Counsel will make an application for reimbursement of reasonable attorneys' fees, costs, and litigation expenses no later than twenty-one (21) calendar days prior to the fairness hearing.

Dated: September 23, 2019.

BY THE COURT:

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court